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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/925,920	09/09/97	REEVES	M S-307

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PM31/1028

EXAMINER

STRIMBU, G

ART UNIT

PAPER NUMBER

3634

4

DATE MAILED: 10/28/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

08/925,920

Office Action Summary

Application No.
08/925,920

Applicant(s)
M. Reeves

Examiner
Gregory J. Stimbu

Group Art Unit
3634



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Sep 9, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3634

Drawings

The drawings are objected to because in figure 4, the retention ring 92 is not shown with the proper cross-sectional shading indicating the material from which the ring is manufactured. On lines 33-35 of page 6, the applicant sets forth that the retention ring is made from a plastic, however, in figure 4, the cross-sectional shading indicates that the retention ring is made from metal. See MPEP 608.02. In figure 3, it is unclear what dimension of the base the reference characters "150" are attempting to show. Does the width of the base 52 include the retention ring 92 as well as the base? Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

The abstract of the disclosure is objected to because on line 1, "is provided" can be easily implied and therefore should be deleted. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the cavity of the base and the retention ring as set forth in claim 1.

The disclosure is objected to because of the following informalities: on page 6, lines 3-5 are confusing since it is unclear how a cavity can define an angle. It would appear that only the

Art Unit: 3634

structure surrounding and defining the cavity can also define an angle; on page 7, lines 11-13 are confusing for the same reasons as set forth above; on page 7, line 16, "outer surface 60 of the base and ring 92" is confusing since the applicant has set forth that only the base 52 includes the outer surface 60 above. Throughout the specification, it is suggested that the applicant avoid referring to the same element of the invention with different language. For example, the applicant should refrain from referring to element "126" as "shoulders" on line 33 of page 7 and "flange region" on lines 34-35 of page 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-14 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "so as to enclose said cavity" on line 8 of claim 1 render the claims indefinite because it is inaccurate and/or misdescriptive. The retention ring never actually fully encloses the cavity since the retention ring has an opening 108 as shown in figure 3. It would appear that the retention ring closes an opening to the cavity rather than "enclosing" the cavity itself. Recitations such as "a wheel" on lines 8-9 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the wheel set forth above or attempting to set forth another wheel in addition to the one set forth above. Recitation such as "therein" on line 9 of

Art Unit: 3634

claim 1 render the claims indefinite because it is unclear if the applicant is referring to the retention ring or to the cavity. Recitations such as “a portion of a rim and a tire of a bicycle wheel therein” on lines 2-3 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the wheel set forth above or is attempting to define the components of another wheel in addition to the wheel set forth above. Recitation such as “said rack” on line 3 of claim 7 render the claims indefinite because it is unclear if the applicant is positively setting forth the rack as an element of the invention or merely reciting that the invention is intended to be used with the rack. The recitation on line 3 of claim 7 implies the combination while the recitation on line 2 of claim 1 implies the intended use. Recitations such as “a wheeled vehicle” on line 12 of claim 8 render the claims indefinite because it is unclear if the applicant is referring to the wheeled vehicle set forth above or is attempting to set forth another wheeled vehicle in addition to the one set forth above. Recitations such as “the wheeled vehicle” on line 13 of claim 8 render the claims indefinite because it is unclear to which of the two wheeled vehicles set forth above the applicant is referring. Recitations such as “a wheel” on line 4 of claim 9 render the claims indefinite because it is unclear if the applicant is referring to the first or second wheel set forth above. Recitations such as “is nominally stationarily positioned with respect to said base” on lines 5-6 of claim 12 render the claims indefinite because it is unclear how beveled surfaces on the groove and the retention ring without setting forth how the surfaces interact can position the retention ring with respect to the base. Recitations such as “said retention ring” on line 2 of claim 17, lines 3-4 of

Art Unit: 3634

claim 18, line 3 of claim 19 and line 2 of claim 20 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Montoya et al.

Montoya et al. disclose a wheel retention device comprising a base 34 adapted for mounting on a rack and including an open cavity (not numbered) having a central axis, the open cavity being sized to receive a portion of a wheel therein as seen in figure 1 and a retention ring 36 mounted on the base 34, the retention ring 36 adapted to rotate generally around the central axis so as to enclose the cavity and secure a wheel therein. The base 34 includes a generally cylindrical outer surface (not numbered, but seen in figure 5 as the radially outermost portion of the base) and wherein the retention ring 36 is adapted to rotate generally around the cylindrical outer surface. The outer surface includes a groove formed therein (not numbered, but shown as the portion of the base in which the retention ring rotates), the retention ring 36 is rotationally mounted within the groove. The retention ring 36 and the groove include beveled surfaces, i.e., the inner surfaces

Art Unit: 3634

of the groove and the mating outer surfaces of the retention ring 36. The open cavity includes a shoulder 33 so as to mount the base 34 on the rack.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montoya et al. in view of Cole. Cole discloses a rack 20 for securing a wheeled vehicle (not numbered, but seen in figure 1) therein comprising a first wheel well (not numbered, but seen as the forward portion of the rack in figure 1) adapted for receiving a first wheel of the wheeled vehicle therein, a second wheel well (not numbered, but seen as the rear portion of the rack in figure 1) operatively connected to the first wheel well, the second wheel well comprising a channel (not numbered, but best seen in figure 3) and a wheel retention device 110. Cole is silent concerning a retention ring.

However, Montoya et al. disclose a wheel retention device comprising a base 34 adapted for mounting on a channel and a retention ring 36 mounted on the base 34, the retention ring 36 adapted to rotate with respect to the base 34 so as to retain a second wheel of a wheeled vehicle within the base 34 thereby securing the wheeled vehicle to the rack.

Art Unit: 3634

It would have been obvious to one of ordinary skill in the art to provide Cole with a wheel retention device, as taught by Montoya et al., to provide a more secure engagement between the wheel of the wheeled vehicle and the rack.

With respect to claims 15-20, the use of the apparatus as set forth above by Cole in view of Montoya et al. would inherently lead to the method steps set forth in claims 15-20.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pedersen and Arnold are cited for disclosing a base member and a retention ring which rotates with respect to the base member to lock a wheeled vehicle to a rack.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

10/26/98

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